

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Connie Ann Preston,

Plaintiff,

v.

Commissioner of Social Security,

Defendant.

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Case No. 12-11413

Honorable Nancy G. Edmunds

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE  
JUDGE'S JUNE 28, 2013 REPORT AND RECOMMENDATION AND ACCEPTING  
AND ADOPTING REPORT AND RECOMMENDATION [15]**

Before the Court is the magistrate judge's report and recommendation on Plaintiff Connie Ann Preston's appeal of the denial of her request for Social Security disability benefits. (Dkt. 15.)

Plaintiff has filed objections. (Dkt. 16, Pl.'s Objections.) Defendant has responded to the objections. (Dkt. 17.) Plaintiff objects to the finding that the administrative law judge did not find that Plaintiff's emotional impairments were severe and the issues that stem from that finding—that the ALJ erred when he crafted a hypothetical posed to the vocational and that the ALJ erred when he gave more weight to a non-examining physician than to a physician that treated Plaintiff one time . (Pl.'s Objections at 1-4.)

Defendant argues that the ALJ appropriately weighed the evidence and decided that Plaintiff's alleged impairments were non-severe. (Def.'s Resp. at 1-2.) Given that weight and decision, Defendant asserts that the ALJ crafted an appropriate hypothetical question

to the vocational expert, on which the ALJ could rely. (*Id.* at 8.) Defendant also argues that the ALJ appropriately weighed the reviewing physician's opinion. (*Id.* at 2-3.)

The Court has reviewed the pleadings, including the ALJ's determination and the record, the magistrate judge's report and recommendation, and the objections and response. The Court agrees with Defendant and the magistrate judge. Substantial evidence existed to find that Plaintiff's alleged mental impairments were non-severe. The ALJ therefore did not err with his hypothetical question to the vocational expert and the ALJ could appropriately rely on the vocational expert's testimony to find that jobs existed in the economy that Plaintiff could perform.

The Court consequently ACCEPTS and ADOPTS the magistrate judge's report and recommendation. (Dkt. 15.) The Court therefore DENIES Plaintiff's motion for summary judgment, GRANTS Defendant's motion for summary judgment, and dismisses this case. (Dkt. 10, 14.)

So ordered.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: July 31, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 31, 2013, by electronic and/or ordinary mail.

s/Johnetta M. Curry-Williams  
Case Manager  
Acting in the Absence of Carol Hemeyer